

LOUISIANA BOARD OF ETHICS
MINUTES
July 2, 2020

The Board of Ethics met on July 2, 2020 at 10:11 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bruneau, Colomb, Dittmer, Grand, Lavastida, McAnelly, Meinert, Roberts, and Smith present. Board Members Couvillon, and Leggio were absent. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, Latoya Jordan, Suzanne Mooney, Charles Reeves and Greg Thibodeaux.

Mr. Adams, board member of the St. Mary Parish Council, appeared before the Board in connection with a request for an advisory opinion in Docket No. 20-431 regarding as to whether Mr. Tregle, a paid employee of St. Mary Parish, may be appointed to serve on a board which is under the supervision of his agency. After discussion with the Board, Mr. Adams respectfully asked the Board to withdraw the advisory opinion request. On motion made, seconded and unanimously passed, the Board accepted the withdrawal and declined to render an opinion.

Ms. Phyllis Glover, a member of the St. Mary Parish Tourism Commission, appeared before the Board in connection with a request for reconsideration of the Board's suspension of all but \$650 of a \$1500 late fee based on future compliance in Docket No. 20-029. After hearing from Phyllis S. Glover, on motion made, seconded and unanimously passed, the Board suspended all but \$200 based on future compliance with the reporting requirements under the Louisiana Code of Governmental Ethics.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G2- G13 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G2-G13, excluding items G4, G5, G9, G10, G11, and G13 taking the following action:

Adopted an advisory opinion in Docket No. 20-208 which answers the following questions posed by Commissioner Burrell: A. As an independent contractor managing the ICE Institute's annual "Plan of Action," Mr. Burrell is requested by the ICE Board of Directors to submit a grant funding request to be considered in the annual Parish's Omnibus budget which is collectively voted on by all Commissioners. Will recusing himself from voting on the budget still create a conflict? Yes. Even if Mr. Burrell recuses himself from voting as a Caddo Parish Commissioner, in accordance with Section 1120 of the Louisiana Code of Governmental Ethics, his continued operation as the ICE Institute's managing director would be prohibited by Sections 1111(C)(2)(d) and 1111(E) of the Code of Governmental Ethics. B. Although the independent ICE Board of Director's requests Parish grant funding, it raises separate private funding to pay for Mr. Burrell's contractual services. The CPC requests a bi-annual report detailing all receipts from the grant funding which does not include any proceeds paid for his contractual services. Is there a conflict? Yes. Even though Mr. Burrell's compensation as the ICE Institute's managing director originates from private sources, his continued operation as the ICE Institute's managing director while acting as a CPC Commissioner would be prohibited by Sections 1111(C)(2)(d) and 1111(E) of the Code of Governmental Ethics. C. Can the CPC enter into a 2020 contract with the ICE Institute while Mr. Burrell simultaneously serve as the ICE Institute's paid contractual managing director? No. While the ICE Institute would be free to enter into a contract with the CPC, Mr. Burrell would be prohibited from serving as both the managing director and CPC commissioner, in accordance with Sections 1111(C)(2)(d) and 1111(E) of the Code of Governmental Ethics. D. Can the ICE Institute

apply for future grants if Mr. Burrell simultaneously serve as a parish commissioner and as the ICE Institute's paid contractual managing director? See the Response to Question C (above). E. Can Mr. Burrell vote on any appropriations to the ICE Institute if he is serving as its paid contractual managing director? No. Section 1120 of the Code of Governmental Ethics requires that Mr. Burrell recuse himself on any vote concerning the Ice Institute. F. During the budget process, can Mr. Burrell vote on a fund if it includes an appropriation to the ICE Institute while simultaneously serving as the ICE Institute's paid contractual managing director? No. Section 1120 of the Code of Governmental Ethics requires that Mr. Burrell recuse himself on any vote concerning the Ice Institute. G. Does the answer for any of the above change if Mr. Burrell works for the ICE Institute without a salary? Yes. If Mr. Burrell or BCMS does not earn a salary or other form of compensation for performing managing director duties for ICE Institute, the Code permits Mr. Burrell to donate his managing director services to ICE Institute. However, Section 1120 of the Code of Governmental Ethics would still require that Mr. Burrell recuse himself from any vote concerning Ice Institute.

Declined to render an advisory opinion in Docket No. 20-221, regarding Amar Raghavendra's possible employment restrictions should he create a consulting business while he is employed by the Louisiana Department of Transportation Division (DOTD) since additional requested information has not yet been received.

Adopted an advisory opinion in Docket No. 20-366 concluding that Section 1121(A)(2) of the Code of Governmental Ethics prohibits the former councilman, Bill Dawson, from being employed or appointed to a position by the parish. However, Section 1123(30) of the Code of Governmental Ethics allows him to donate his services, provided he is not appointed to a position.

Adopted an advisory opinion in Docket No. 20-429 concluding that the coroner's office is

a separate governmental entity from that of the police jury and there would be no violation of the Code of Governmental Ethics for the Calcasieu Parish Coroner to hire the sister of a Calcasieu Parish Police Juror.

Adopted an advisory opinion in Docket No. 20-445 concluding that the Code of Governmental Ethics would not prohibit Asst. Chief McAnn from continuing his volunteer service as the Volunteer Assistant Fire Chief and a volunteer reserve commissioned police officer. Section 1123(1) of the Code of Governmental Ethics provides an exception, wherein participation in the affairs of a bona fide organized public fire department when no compensation is received is excluded from the Code. Furthermore, with regard to Asst. Chief McAnn's volunteer service as a reserve commissioned police officer, Asst. Chief McAnn is permitted to donate his services, in accordance with Section 1123(30) of the Code of Governmental Ethics. However, should Asst. Chief McAnn's campaign be successful, Asst. Chief McAnn would be required to recuse himself from voting on any matters related to the HFD and HPD in which he would have a personal substantial economic interest.

In connection with a request for an advisory opinion in Docket No. 20-242, on motion made, seconded and unanimously passed, the Board adopted an advisory opinion concluding that none of the employees in question are agency heads, therefore the Code of Ethics would not prohibit the employment of these individuals with the Terrebonne Parish Parks and Recreation Department. It does not appear that immediate family members are supervising any immediate family member; therefore, no Disqualification Plan is necessary.

Chairman McAnelly recused himself from consideration of Docket No. 20-340 and vacated the Chair. Board member Dittmer assumed the Chair.

In connection with a request for an advisory opinion in Docket No. 20-340, on motion

made, seconded and unanimously passed, the Board affirmed prior advisory opinion since Section 1111C(2)(d) of the Code of Governmental Ethics provides neither the public servant nor any legal entity owned in excess of 25% by the public servant may provide compensated services to anyone who the public servant is prohibited from accepting a gift from under Section 1115A of the Code of Governmental Ethics. If Mr. Guidry had a legal entity that he owned over 25% in, that entity cannot take a gift or supply compensated services to Home Bank while Mr. Guidry serves as a member of the LHC Board. Since, Home Bank does business with LHC the members of the LHC board are prohibited from accepting a compensation from Home Bank. Therefore, as provided in the original opinion, Darren Guidry's receipt of compensation through his employment with Home Bank would present a violation of Section 1111C(2)(d) of the Code of Governmental Ethics while Home Bank has the described business relationship with LHC and he serves as a member of the Board of Directors of LHC and Mr. Darren Guidry owns less than a 25% interest in Home Bank.

Board member Dittmer vacated the Chair and Chairman McAnelly resumed the Chair.

In connection with a request of an advisory opinion in Docket No. 20-433, on motion made, seconded and unanimously passed, the Board adopted the advisory opinion with spelling corrections concluding that Section 1119B of the Code of Governmental Ethics provides that no member of the immediate family of a member of a governing authority or the chief executive of a governmental entity shall be employed by the governmental entity. Linda Hardaway is a District Selectman, which is a member of a governing authority, therefore, her son, Thomas Hardaway is prohibited from obtaining employment with Linda's governmental entity. However, Section 1123(30) of the Code of Governmental Ethics provides an exception which will allow Mr. Hardaway to serve as the Assistant Recreational Director provided that he donates his services and is not appointed to the position of Assistant Recreation Director.

In connection with a request of an advisory opinion in Docket No. 20-443, on motion made, seconded and unanimously passed, the Board adopted an advisory opinion with additional analysis information concluding that Dr. Barnes' participation in the contract would not violate Section 1112(A) of the Code of Governmental Ethics since he has no personal substantial economic interest and Dr. Barnes' participation in the contract would not violate Section 1112(B)(3) of the Code of Governmental Ethics because the university is not a "person" under Section 1102(16) of the Code of Governmental Ethics.

In connection with a request of an advisory opinion in Docket No. 20-444, regarding whether Kelly McClure, an Education Program Consultant for the Louisiana Department of Education, is prohibited by the Code of Governmental Ethics from accepting a position as an adjunct professor with Tulane University's School of Professional Advancement. On motion made, seconded and unanimously passed, the Board adopted an advisory opinion with additional information added regarding Section 1111C(1)(a) of the Code of Governmental Ethics. The Board concluded that Code of Governmental Ethics will not prohibit Kelly McClure from being employed with the Tulane University SoPA, as long as she does not teach courses about or rely on the materials or procedures she develops in her work with the Department.

In connection with a request of an advisory opinion in Docket No 20-447, on motion made seconded and unanimously passed, the Board adopted an advisory opinion concluding that Section 1123(22) of the Code of Governmental Ethics would provide an exception that would allow Mr. Pruitt to enter into a lease with the town as long as Mr. Pruitt and the town comply with the conditions set forth therein by submitting to the Board of Ethics a plan that meets the conditions in Section 1123(22) and files the required quarterly reports.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the June 5, 2020 Board meeting with one name correction.

The Board considered a proposed consent opinion in Docket No. 16-001 regarding Maxie Ratcliff's participation in transactions with the Oak Island Neighborhood Improvement District that involve her husband while she served as a commissioner for the District. Ms. Ratcliff has executed the consent order for a violation of Section 1112 of the Code of Governmental Ethics and submitted payment of the civil penalty. On motion made, seconded and unanimously passed, the Board directed staff to adopt and publish the consent order and dismiss charges.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the requests for "good cause" waivers of late fees assessed against candidates, lobbyist and committees included in the Campaign Finance Waiver Chart, Lobbyist Waiver Request, and Waiver Reconsiderations en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Campaign Finance Waiver Chart, Lobbying Waiver Request, and Waiver Reconsideration Requests excluding Docket Nos. 20-265, 20-332, 20-333, 20-380 and 20-456, taking the following action:

The Board unanimously reduced to \$600; suspend all but \$200 based on future compliance the late fees assessed against the following:

Docket No. 19-1136 from Nicholas R. P. Wright, 10-G of a \$2,000 late fee.

The Board unanimously reduced to \$600; suspend all based on future compliance the late fees assessed against the following:

Docket No. 19-1136 from Nicholas R.P. Wright, 2016 Supplement of a \$2,000 late fee; & Docket No. 19-1136 from Nicholas R.P. Wright, 2017 Supplement of a \$2,000 late fee.

The Board unanimously suspended all but \$100, based on future compliance the late fees assessed against the following:

Docket No. 20-199 from Robert “Chris” Jordan, 10-G of a \$320 late fee;

The Board unanimously declined to waive the late fees assessed against the following:

Docket No. 19-1136 from Nicholas R.P. Wright, 2018 SUPP of a \$2,000 late fee;

Docket No. 20-092 from Randy Vincent, 30-P of a \$600 late fee;

Docket No. 20-092 from Randy Vincent, 10-G of a \$600 late fee;

Docket No. 20-109 from Kerri Callais, 30-P of a \$1,897 late fee;

Docket No. 20-109 from Kerri Callais, 2017 SUPP of a \$600 late fee;

Docket No. 20-185 from Brett Lang, 10-P of a \$300 late fee;

Docket No. 20-263 from Roger Z. Toney, 30-P of a \$500 late fee;

Docket No. 20-317 from ShermaDee McDaniel, 30-P of a \$600 late fee;

Docket No. 20-317 from ShermaDee McDaniel, 10-P of a \$600 late fee;

Docket No. 20-317 from ShermaDee McDaniel, 10-G of a \$600 late fee;

Docket No. 20-319 from Tyra Duhe-Griffin, 10-G of a \$240 late fee;

Docket No. 20-319 from Tyra Duhe-Griffin, 40-G of a \$840 late fee;

Docket No. 20-381 from Elizabeth Gary-Carrier, Special of a \$600 late fee; and

Docket No. 20-381 from Elizabeth Gary-Carrier, Special of a \$300 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-265 for a waiver of the \$2,000, \$600 and \$2,000 campaign finance late fee assessed against Marteze DeSean Singleton, a candidate for State Representative, 20th Representative District, Caldwell, Catahoula, Frankin, LaSalle and Tensas Parishes in the October 12, 2019, whose 30-P, 10-P & 10-G campaign finance disclosure reports were filed 115, 12 & 60 days late, respectively. On motion made, seconded and unanimously passed, the Board reduced fines for 30-P and 10-G to \$600 based on Section 1205(B) of Campaign Finance Disclosure Act, and suspended all based on future compliance.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-332 for a waiver of the a \$360 campaign finance late fee assessed against Clarence Williams, a candidate for Council Member, District 2, Terrebonne Parish, in the October 12, 2019, whose 10-G campaign finance disclosure report was filed 9 days

late. On motion made, seconded and unanimously passed, the Board suspended all but \$100 based on future compliance.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-333 for a waiver of the \$2,000 campaign finance late fee assessed against Gregory A. Fernandez, a candidate for Coroner, St. Bernard Parish, in the October 12, 2019, whose 30-P campaign finance disclosure report was filed 153 days late. On motion made, seconded and unanimously passed, the Board reduced the late fee to \$600 pursuant to Section 1205C of the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-380 for a waiver of the \$2,000 campaign finance late fee assessed against David J. Williams, a candidate for Councilman, District 3, Jefferson Parish in the October 12, 2019 election, whose 10-G campaign finance disclosure report was filed 198 days late. On motion made, seconded and unanimously passed, the Board reduced the late fee to \$600 and offered a payment plan pursuant to Section 1205C of the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-456 for a waiver of a \$540 campaign finance late fee assessed against Sheldon “Mr. Vince” Vincent, Sr., a candidate for Councilman, District 1, in the October 12, 2019 election, whose 10-G campaign finance disclosure reports were filed 9 days late. On motion made, seconded and unanimously passed, the Board deferred the request to the next meeting.

The Board unanimously waived the \$900 late fee in Docket No. 20-432 assessed against Stephanie Doiron for filing her 2020 lobbying registration 18 days late since this is Ms. Doiron's first filing.

The Board reconsidered a request in Docket No. 20-030 where the Board suspended all but \$850 of a \$1500 late fee from a waiver request submitted by Mr. James L. Llorens, with the East Baton Rouge Redevelopment Authority. His 2017 Tier 2.1 annual personal financial disclosure statement was filed 230 days late. On motion made, seconded and unanimously passed, the Board affirmed the Board's decision to suspend all but \$850 based on future compliance with the reporting requirements under the Code of Ethics. The \$850 is payable within 30 days and if payment is not received within 30 days, the full amount of the late fee becomes due and owing.

The Board reconsidered a request in Docket No. 20-309 where the Board declined to waive a \$480 campaign finance late fee assessed against Rodney B. Nicholas, a candidate for Parish President, St. John the Baptist Parish, in the October 12, 2019 election, whose Special campaign finance disclosure report was not filed. On motion made, seconded and unanimously passed, the Board affirmed the past decision to decline to waive since this is Mr. Nicholas's fourth election and he has two other late filings.

The Board unanimously resolved into executive session at 11:41.

EXECUTIVE SESSION

The Board unanimously resolved into general business session and reviewed mailing packets.

On motion made, seconded and unanimously passed, the Board unanimously adjourned at 12:53 P.M.

Secretary

Chairman